S.B.CIVIL SECOND APPEAL NO.369/2004

Ms. Nihal Kanwar and others.
vs.
Satya Narayan & others.

DATE OF JUDGMENT ::: 16.11.2005

PRESENT

HON'BLE MR. PRAKASH TATIA, J.

Mr. RS Chundawat, for the appellants.

- - - - -

Heard learned counsel for the appellants.

The appellants/defendants are aggrieved against the concurrent findings of facts recorded by the two courts below in their judgments and decrees dated 6.5.2004 and 21.9.1996 respectively.

It appears from the facts of the case that the suit of the plaintiffs was decreed by the trial court after recording finding of fact that the plaintiffs are able to prove their right of way from the land in dispute. This finding of fact has been recorded by the trial court after appreciation of evidence and was upheld by the first appellate court after careful consideration of the evidence.

In view of the above, no ground is made out for interference by this Court under Section 100 CPC in the

impugned judgments and decrees simply because no substantial question of law is involved in this appeal.

Accordingly, this second appeal, having no merits, is dismissed.

(PRAKASH TATIA), J.

S.Phophaliya